

45.
25-06-2024
(ct. no.28)
debajyoti
(rejected)

CRM (NDPS) 974 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No.185 of 2023 dated 08-06-2023 under Sections 20(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Mohidul Mondal & Ors.

.... Petitioners.

Mr. Tapodip Gupta,
Mr. Suman Bhanja

... For the Petitioners.

Mr. Antarikhya Basu,
Ms. Sana Naz

... For the State.

The petitioner no.2 renews his prayer for bail which was rejected earlier by an order dated April 18, 2024 passed in CRM (NDPS) 673 of 2024. Insofar as the petitioner nos.1 and 3 are concerned, this is the first application for bail.

The petitioners are three out of several accused persons. Commercial quantity of Ganja was seized from the joint possession of the accused persons.

The petitioners say that they are in custody for more than a year. The process of seizure was not videographed. That is an incurable infirmity in the prosecution case. They should, therefore, be enlarged on bail.

Learned advocate for the State produces the Case Diary and shows us that the entire process of seizure was videographed.

Therefore, there is no substance in the point raised by the petitioner. In view of commercial quantity of contraband item being involved, keeping in mind the

restrictions under Section 37 of the NDPS Act, we are not inclined to entertain the prayer for bail.

The application for bail being CRM (NDPS) 974 of 2024 is, thus, **dismissed**.

However, since the petitioners are in incarceration for more than a year, the learned trial Court is directed to expedite the trial, if necessary, by splitting up the same in accordance with law, so that the trial may come to an early conclusion insofar as these petitioners are concerned.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)